



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: ERDF 22.464 (335981-00001)

First Named Inventor : Jeffrey A. ERDFARB

Title : Measuring Device

Serial No. : 10/003,198

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Examiner : Amy R. COHEN

Group Art Unit : 2859

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by Christina Colocatou
Christina Colocatou

August 24, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JEFFREY ERDFARB UNDER 37 C.F.R. § 1.132

Madam:

I, Jeffrey Erdfarb, hereby declare as follows:

1. I am the president and marketing director of Builderscale, the developer and marketer of the Planreader® line of tape measures, and the inventor/applicant of the above-identified application.
2. The Planreader® tape measures have traditional inch and foot markings on a first side of the tape and construction scale markings on a second side of the tape. In particular the scale markings on the second side are at both residential construction scale (1/4th in. – 1 ft) and

commercial construction scale (1/8th in. – 1 ft). On the second side the scale markings are provided in whole feet increments each 1/4th or 1/8th inch along two separate edges of the tape.

3. I believe that the commercial Planreader® tape measure includes all the features of independent claims 13 and 31 of the above-identified application. (See Exhibit A)
4. Attached hereto as Exhibit A is a portion from the July/August edition of a builder's trade publication "Building Products."
5. In this edition of Building Products Magazine, the editors awarded their "Most Valuable Product" awards for 2007. The Planreader® tape measure was awarded a Most Valuable Products Award, on page 40 of the publication. (See Exhibit B).
6. In addition to receiving the award, the editors of Building Products Magazine singled out the Planreader® tape measure as one of the "most valuable" in their separate editorial on page 17 of the publication. (Exhibit B)
7. In addition to the critical acclaim of the Planreader® tape measure, companies have also taken notice and have begun placing orders for the tape measure. For example, Klein Tools, a major worldwide manufacturer and distributor of tools has placed an order for 25,000 pieces.

8. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Respectfully submitted,

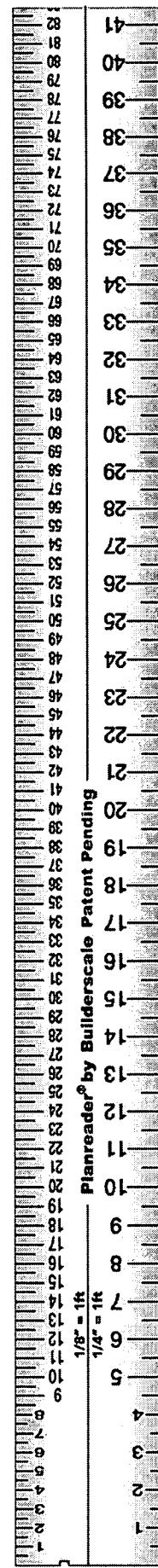
Date August 23, 2007 Jeffrey Engel for Brundage

EXHIBIT A

Front



Back



PlaneReader® by Builderscale Patent Pending

1/8" = 1ft

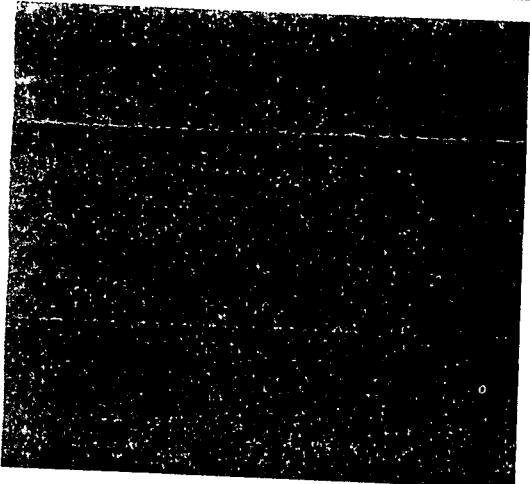
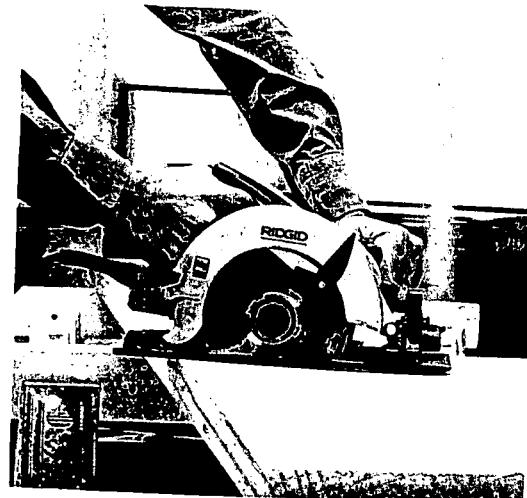
1/4" = 1ft

EXHIBIT B

BUILDING PRODUCTS

JULY/AUGUST 2007

PHOTO BY ANDREW



A black and white photograph showing a row of four built-in ovens installed in a kitchen cabinet. Each oven has a control panel with buttons and a small display. The ovens are set into a dark-colored cabinet with handles. To the right, a portion of a kitchen counter and a sink are visible.

MVP 32 ALL-STAR AWARDS PRODUCTS

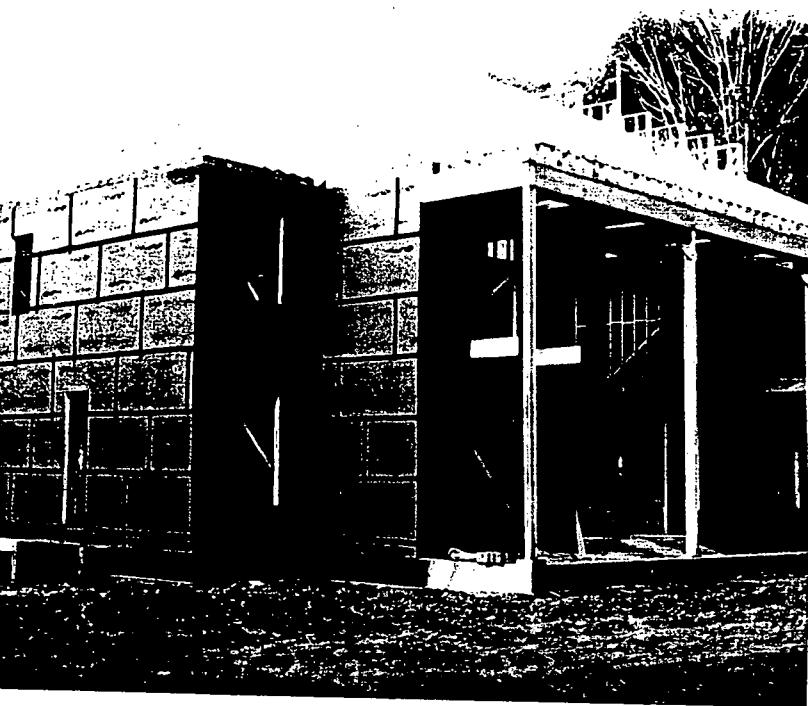
MOST VALUABLE PRODUCT

You Don't Want to Miss

PLUS

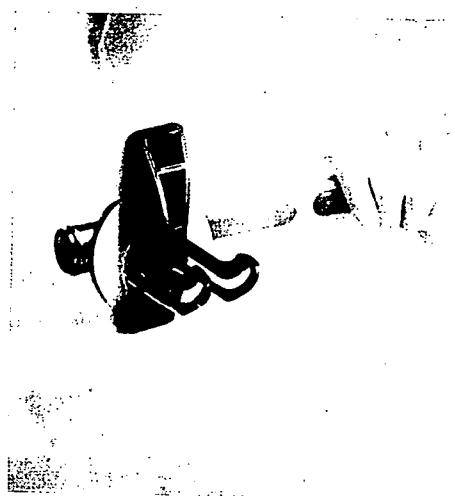
The Latest in Bathroom Lighting, Outdoor Pavers, Kitchen Faucets,
Interior Molding, Sealants and Adhesives, and Much More

MVP AWARDS



Huber Engineered Woods. Everyone loves a two-fer, which is exactly what ZIP System wall panels provide. These distinctive-looking $7\frac{1}{2}$ -inch-thick structural panels feature a built-in water-resistant barrier, eliminating the need for housewrap. "Like the one-step installation," a judge commented, ZIP System tape is then used to seal the seams. The panels feature a preprinted fastening guide for 16-inch and 24-inch on-center stud spacings for vertical and horizontal installation, plus a preprinted tape guide. The barrier doesn't blow off or tear like housewrap can, according to the maker. Cost: \$7 to \$9 a panel. 800-933-9220 www.huberwood.com. Circle 314.

Freud America. Sometimes "general purpose" means doing many things, but none of them very well. The Premier Fusion general-purpose saw blade, however, has been designed to cover the gamut from crosscuts and rips in hardwoods and softwoods to cuts in two-sided veneer and laminates. Not having to change blades "saves huge amounts of time," a judge noted. A double-grind tooth design helps the carbide blade cut smoothly so vibration is dampened. The non-stick coating prevents corrosion and gumming. The series includes four sizes: 8-, 10-, 12-, and 14-inch. Cost: \$99. 800-334-4107 www.freudtools.com. Circle 319.



Home Care by Moen. More homes these days are for grab bars in the bath, and SecureMount anchors provide a quick, fast, secure installation. "A simple install—no stud needed," a judge said. That means no sections of drywall need to be removed and no backer needs to be added, saving time and money, according to the maker. Instead, the grab bar is mounted into the D-shaped anchors that require simple drilling to install. The anchors are appropriate for walls up to 12 inches thick and work with marble, tile, drywall, tile, glass, and thin concrete. They can be used not only with Moen and SecureMount grab bars but also those made by most other manufacturers. Cost: \$36 per pair. 800-662-0010 www.moen.com. Circle 317.

Builderscale. Mathematically impaired contractors need not panic: tape measures are designed to make it easier to take measurements off blueprints in the field. On the reverse side of the tape are markings for standard commercial construction—namely, scale and the residential construction—architect scale. The markings represent the equivalent inches drawn on the plan, thus eliminating the need of converting fractional numbers to feet and inches. In addition, the markings on the 16-ft side are extra large, making them easier to see than on many other measuring tapes, the maker says. The tape comes in lengths of 12, 25, 30, and 35 feet. Cost: \$9.95. 800-637-1299 www.builderscale.com. Circle 315.



Kohler. The cold winter days are upon us, which means it's time to turn on the heat. And that means it's time to start thinking about how to keep the bathroom warm. Kohler has a new line of heated towels that are designed to keep the bathroom warm and cozy. The towels are made of a soft, absorbent material and are heated by a built-in heating element. They are available in a variety of colors and sizes, and are perfect for use in the bathroom or as a gift for someone who loves to relax in a warm, cozy environment.

Mark Your Calendar

SEPT. 5-9

CEDIA EXPO 2007

Denver. Showcasing the newest products in the residential electronic systems industry including home theater, multi-room audio and video, lighting control, environmental control, home networking, home automation, residential information technology, security, and more. For information visit www.cedia.net.

OCT. 9-12

THE REMODELING SHOW

Las Vegas. The premier event in the building and construction industry dedicated solely to the remodeling industry. For information visit www.theremodelingshow.com.

NOV. 27-30

INTERNATIONAL POOL & SPA EXPO

Orlando, Fla. For information call 888-869-8522 or visit www.poolandspaexpo.com.

NOV. 27-30

BACKYARD LIVING EXPO

Orlando, Fla. For information call 888-869-8522 or visit www.poolandspaexpo.com.

DEC. 3-5

REINVENTION 2007:

DESIGNING FOR THE FUTURE

Charleston, S.C. A conference examining ways attendees can learn from the past while still advancing the profession and the art of residential design. For information visit www.reinventionconf.com.

JAN. 29-FEB. 1, 2008

SURFACES

Las Vegas. Showcasing the latest in floor coverings. For information call 800-547-3477 or visit www.surfaces.com.

FEB. 13-16, 2008

INTERNATIONAL BUILDERS' SHOW

Orlando, Fla. For information call 800-368-5242, ext. 8111, or visit www.buildersshow.com.

CONTACT THE EDITORIAL DIRECTOR:

PHONE: 202-736-3301

E-MAIL: jdimeo@hanleywood.com



Product All Stars

Each year, the All Star game features the most outstanding baseball players from the American and National leagues slugging it out for bragging rights as to which is home to the best players. There can be only one winning team, of course, and this July, the American League extended its unbeaten record to 11 consecutive games.

Luckily for you, there isn't just one winner in the 2007 BUILDING PRODUCTS Most Valuable Product Awards. Featured in this issue you'll find 32 terrific products that are truly all stars.

Each year, our MVP Awards competition singles out an elite group of new products worthy of special recognition. This year, products ranging from a limestone veneer to a water-conserving showerhead to a no-wobble ladder were deemed top-notch by our panel of expert judges. These products offer ways to make your job easier, your projects more stunning, and your business more profitable.

What I love about the MVP Awards is that some of the smallest, inexpensive products are often the most valuable. The Builderscale Planreader tape measure is a good example. It's designed to make it easier to take measurements off blueprints in the field. On the reverse side of the tape are both the standard commercial construction scale and the residential construction scale. The markings

represent the actual feet and inches drawn on the plan, eliminating the hassle of converting

fractional numbers to feet and inches. And it costs just \$9 to \$17, about the price of lunch for two hungry builders at a fast-food restaurant.

Another winner, Oz-Post post anchors, are said to offer an easier alternative to the time-consuming, backbreaking job of digging post holes and mixing concrete for fences and decks. They are jackhammered into the ground using a special adapter in about five minutes apiece, and go through asphalt, hard-packed clay, and frozen or rocky ground. Cost: \$12.75 per post.

The MVP Awards don't represent all the best products, nevertheless. We asked manufacturers to submit their best products introduced between January 2006 and January 2007, and our builder, remodeler, and architect judges scrutinized each firm's written statements, press materials, brochures, pricing information, testimonials, and photography. Specifically, our panel assessed each entry based on a single requirement: Is the product of "value" to pros, meaning does it reduce installation time, callbacks, or labor costs; solve a problem; simplify installation; boost profits; or add curb appeal or a "wow" factor to a home?

I invite you to tell me about the products—new or old, expensive or low-cost—you love and why they help make your job easier or better. Starting next year on ebuild.com, BUILDING PRODUCTS' Web site, you'll find the products your peers say are their personal favorites. Maybe one of them will come from you.



Jean Dimeo
EDITORIAL DIRECTOR